

12. Parsons LH, Harper MA. Violent maternal deaths in North Carolina. *Obstet Gynecol*. 1999; 94:990-993.

13. World Health Organization. "International Classification of Diseases," 10th Revision (ICD-10). Geneva Switzerland World Health Organization; 1992.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, first let me disabuse the gentleman from Wisconsin (Mr. SENSENBRENNER) of his notion that those of us who voted for the bill to bar capital punishment for pregnant women were recognizing the fetus or the unborn child as a person.

I vote against anything to limit capital punishment. I would say to the gentleman from Wisconsin (Mr. SENSENBRENNER), I am opposed to capital punishment. I think it is barbaric whether it is against pregnant women or barbaric against nonpregnant women.

Mr. Speaker, violence against pregnant women is first and foremost a criminal act of violence against the women that deserves strong preventive measures and stiff punishment.

The gentleman from Alabama (Mr. BACHUS) referred to the article in the *Journal of the American Medical Association* that said homicides during pregnancy and the year after are the largest cause of death among women, and they are.

Mr. Speaker, it is a disgrace that while these preventable crimes continue to occur, it is a disgrace that Congress fails with this largely symbolic legislation rather than taking affirmative steps to deal with the problem. Why, for example, did the Republican majority fall \$209 million short of President Clinton's request last year for full funding of the Violence Against Women Act? Why did the Republicans on the Committee on the Judiciary vote against an amendment for full funding of the Violence Against Women Act? If we are concerned about violence against women and pregnant women and murders of pregnant women, as the *Journal of the American Medical Association* indicates, that is how to prevent it, by early intervention, by preventing the crime, not by fighting about the legal definition of the fetus from a legal point of view.

Are the Members who vote for this legislation today going to join the rest of us in seeking full funding for the Violence Against Women Act in the next fiscal year? Will they fight efforts to zero out for the second year in a row programs authorized by the Committee on the Judiciary last year to prevent such violence?

No one who listened to the testimony at our subcommittee could have been left unmoved by the terrible story of the young woman who was murdered by her intimate partner in the eighth month of pregnancy. I think we owe it to her and to the many women like her to ensure that early intervention is available that would prevent us and that States and localities receive the

full resources of the Violence Against Women Act to prevent murders like this by intervening before the violence escalates to that level.

We should also enact strong penalties, ones which are enforceable, which are not constitutionally suspect, which will not lead to lengthy litigation for these violent crimes.

Finally, Mr. Speaker, this bill opens the door to prosecuting women or restraining them physically for the sake of a fetus. Some courts have already experimented with this approach. Just a few weeks ago, the Supreme Court struck down a practice in the home State of the gentleman from South Carolina (Mr. GRAHAM) where a hospital would give the results of a pregnant woman's blood test to local law enforcement for the purpose of initiating legal action against them if they had used crack. Once we recognize the two-cell zygote or even a blastocyst just implanted in the womb as having the same legal status as a pregnant woman, it would logically follow that the liberty interest of the mother could be restricted to protect the fetus.

Do not believe the rhetoric that this is not an abortion bill. Women are already being prosecuted and imprisoned by courts, including courts in the sponsor's own State, in order to protect the fetuses.

The whole purpose of *Roe v. Wade* was to protect the liberty interests of these women. The women who sit in prison today can say what the legal consequences of making fetuses crime victims recognized in law really are. They can say what the real agenda is. The real agenda is to subject women's liberty to the interests of the fetus and to make the fetus accepted as a person, and that is why this is an abortion bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from South Carolina (Mr. GRAHAM), the author of the bill.

Mr. GRAHAM. Mr. Speaker, this has been a spirited debate, a lively debate. I think it is good for the country to have this debate. I hate to interrupt good stories with facts and law, but I guess I will.

I am going to go red herring fishing. That is a hard thing to catch; but when one catches it, they have something.

A couple of red herrings that I think have been thrown out here about the bill: this is an abortion bill. If this is an abortion bill, it is one of the worst-drafted abortion bills one could think of. It does a lousy job, and let me read from the bill: "Nothing in this section shall be construed to permit the prosecution of any person for conduct relating to an abortion, for which the consent of the pregnant woman or person authorized by law to act on her behalf has been obtained or for which such consent is implied by law."

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If we are trying to outlaw abortions, we did a pretty lousy job in that paragraph. "Nothing in this section shall

allow the prosecution of any person for medical treatment of the pregnant woman or her unborn child; or of any woman with respect to her unborn child."

Why is that language in there? The purpose of this bill is very simple: Once the woman chooses to have the child and someone takes that child away from her through an assault or an act of violence, we want to put them in jail for the damage done to the unborn child.

This is not a two-victim bill. The gentleman from Michigan (Mr. CONYERS) is right. The reason it is not a two-victim bill is because there are laws all over the country preventing assaults against women who are pregnant in their own States. There are 24 States that make it a separate offense to take her unborn child's life. At the Federal level, there is no such law. There soon will be.

That will coexist with *Roe v. Wade*. *Roe v. Wade* has never stood for the proposition that the State or Federal Government cannot protect the unborn against violent criminal activity. It stood for the proposition that the Federal-State government cannot interfere with a woman's right to choose an abortion first trimester and under certain circumstances thereafter.

Why did 254 Members of this body last year vote for this bill? All of them are not pro-life. I happen to be pro-life. Why would a pro-choice person vote for my bill? I think they have sat down and read it, and they understand a couple of things about the bill, and I want to applaud them for doing it. We may disagree on a woman's right to choose, and America splits evenly on that. If you disagree with me on that issue, I will not question your politics, your religion, or your patriotism. I have my view; you have yours.

But here is what I am so excited about from last year's vote, and hopeful for this year that Congress has come together on this central theme, that once a woman chooses to have the baby, we are going to protect the baby and the mother. This body spends millions of dollars a year helping women through pregnancy. Low-income women get help from the Federal Government to make sure the child is fully developed. We help at-risk pregnancies. That is a good thing. That is not a bad thing. That is not about the abortion debate.

I think most Americans, even though we divide on the issue of abortion, would come together on the issue that if a woman has the child and some criminal takes that right away from the woman, we ought to put them in jail to the fullest extent of the law. That is what we do, and that is what 24 other States do.

Another red herring about the definition: The definition in this bill is exactly what exists in 11 other States and it withstood constitutional challenge and it is exactly what the House voted on on July 25, 2000.